

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

**John F. Corcoran  
Clerk  
540-434-3181**

July 2, 2004

**JAMES ELDON THOMAS,  
Plaintiff(s)**

**Civil Action No. 5:04CV00010**

**v.  
MERCK & CO., INC.,  
Defendant(s)**

**To: Mr. James Eldon Thomas  
2994 Cullison Court  
Harrisonburg, VA 22802**

**NOTICE**

Rule 4(m) of the Federal Rules of Civil Procedure states that, if a service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision does not apply to service in a foreign country pursuant to subdivision (f) or (j)(1).

Pursuant to that rule, you are hereby given notice that the Court's record reflects that your complaint was filed on February 18, 2004 and as of this date service has not been executed on defendant(s) Merck & Co., Inc..

You have 15 days from this day, July 2, 2004, to notify the Clerk of this Court that service has been accomplished on said defendant(s), or the named defendant(s) may be dismissed from the suit without prejudice by order of this Court.

**JOHN F. CORCORAN, CLERK**

By: K. Dotson  
Deputy Clerk